Workers’ Compensation – Western Australia

**Please complete this Wage Declaration as required under Section 160 of the WA Workers' Compensation and Injury Management Act, 1981 (the Act) and return it to Allianz by the dates indicated below. Failure to comply may result in significant fines as provided by Section 170 of the Act.**

Should the declaration of wages not be lodged within the prescribed timeframes below, this policy will be lapsed with effect from the expiry date. Please check all details and amend any incorrect details.

|  |  |  |  |
| --- | --- | --- | --- |
| Period of Insurance: |  to 4.00pm | Policy No: |  |
| Insured Name: |  | ACN: |  |
| Trading Name: |  |
| GST Registered: | Yes / No | ITC (%): |  | ABN: |  |
| Business Activity: |  |
| Postal Address: |  |
| Situation Address: |  |
| Broker Contact: |  | Phone No: |  |
| Insured Contact: |  | Phone No: |  |
| Do you or your employees conduct work offshore, underground or overseas?  | Yes / No |

Wages Declaration Summary

**Completion of estimated wages is deemed a request to renew this policy.**

* Provision of estimated remuneration is deemed a request to provide renewal cover. In Western Australia workers' compensation insurance cover for all workers is compulsory.
* Guidance notes are attached.‎

|  |  |
| --- | --- |
| **Actual Amounts Paid for****Previous Policy Period** Complete regardless of renewal status **within 30 days of expiry**  | **Estimate of Payments for****Renewal Period** Complete if renewing policy by**within 30 days of expiry**  |
| **Class of Occupation of Workers** | **No. of Employees** | **Gross Payments** | **No. of Employees** | **Gross Payments** |
| **PRIMARY WORKERS** |
|  |  |  |  |  |
|  |  |  |  |  |
| **CONTRACT-FOR-SERVICE WORKERS (EXTENDED DEFINITION)** |
|  |  |  |  |  |
|  |  |  |  |  |
| **SECTION A: WORKING DIRECTORS** |
| Total wages from Section A (ref. p.2) |  |  |  |  |
| **SECTION B: CONTRACTORS AND SUB-CONTRACTORS (DEEMED WORKERS)** |
| Total wages from SectionB (ref. p.2) |  |  |  |  |
| **Grand total** |  | **$** |  | **$** |

Further Details: Actual and Estimate Wages

Please provide further details on the following elements of estimate wages.

The wages and contract values declared here must be included in the wages declared on the prior page.

**Section A: Working Directors**

* Please disclose below the details of each nominated Working Director in relation to whom insurance is required.  *‎*
* In accordance with Section 10A of the Act directors of Public companies are not workers.

|  |  |  |  |
| --- | --- | --- | --- |
| **Full Name** | **Occupation** | **Total Remuneration for Previous Period** | **Total Remuneration for Renewal Period** |
|  |  | $ | $ |
|  |  | $ | $ |

**Section B: Contractors and Sub-Contractors (Deemed Workers)**

* Section 175 of the Act makes you jointly and severally liable for injury to workers of contractors and sub-contractors.
* Section 175AA of the Act makes you liable for contractors and sub-contractors who are deemed your employees.

Have you engaged contractors or sub-contractors for any part of the work of your trade or business? **YES / NO**

If so, do you undertake to satisfy yourself on every occasion that the contractor or sub-contractor is insured against their full liability under the Act? **YES / NO**

**To ensure compliance, you must obtain a current Certificate of Currency (indemnity) from the contractor's or**

**sub-contractor's insurer. Failing this, you are required to complete this Schedule.**

No Common Law cover is provided under this policy to Contractors or Sub-Contractors and their direct employees.

|  |  |
| --- | --- |
| **Previous Period** | **Renewal Period** |
| **Work Being Performed** | **Type of Contract\*** | **No. of Contractors** | **Actual Contract Value** | **No. of Contractors** | **Estimated Contract Value** |
|  |  |  | **$** |  | **$** |
|  |  |  | **$** |  | **$** |

\* Please indicate in this column the appropriate code as described below:

Labour Only **LO** Labour, Plant and Material **LPM**

Labour and Material **LM** Labour and Plant **LP**

Employer Declaration

1. I have read and checked the information contained in this Declaration. I acknowledge Allianz Australia Insurance Limited is relying on the information.
2. All the information contained in this Declaration is true, accurate and not misleading and the information does not misrepresent or misstate any material fact.
3. I have fairly estimated and stated the total expenditure for wages, salaries and all other forms of remuneration and number of employees during the relevant period of insurance.
4. I agree that this Declaration and the particulars supplied form part of the Policy to be issued on the terms and conditions contained in it.

Is renewal of this policy required for the period from «Effective\_From» to «Effective\_To» **YES / NO**

If **NO** please circle the reason for not renewing below:

Business sold Ceased employing Insured elsewhere No longer trading Liquidation‎

**Director, Chief Financial Officer, Accountant, Partner / Proprietors to sign for appropriate entity type.**

|  |  |  |  |
| --- | --- | --- | --- |
| Signature of Employer: |  | Date |  |
| Print Name: |  |
| Title: |  | Phone No: |  |
| Signature of Witness: |  | Date |  |
| Print Name: |  |

Failure to supply accurate payment details may result in the Insurer exercising its right under Condition 11 of the policy wording to inspect the wages records. All statements, replies and particulars must be made fully and in writing by the employer. If this declaration in any particular field is filled in by any person other than the employer such person shall be deemed the agent of the employer.

Guidance Notes

**Remuneration**

**Includes:** all gross wages, salaries, remuneration, commission, bonuses, overtime, ‎allowances and the like, directors fees, superannuation contributions (except those made by force of law), fringe benefits, and all other benefits, whether ‎paid in cash or non-cash benefits (such as vehicles, equipment, mortgage payments, travel, school fees etc.) to or in relation to a worker before the deduction of income tax.

**Does not include:** termination ‎payments, retirement pay, retrenchment pay in lieu of notice, Superannuation Guarantee payments, pensions, "golden ‎handshakes" and weekly payments of compensation under the Act.‎

**Who needs to be covered?**

**The definition of a ‘Worker’ covers:** full-time workers on a wage or salary, part-time, casual and seasonal workers, workers on commission, piece workers, working directors; and contractors and sub-contractors may also be defined as ‘workers’, depending on the circumstances of their working arrangement.

The definition of ‘worker’ may be broken up into two main parts: Primary and Extended.

**Primary definition**

This covers any person who works under a contract *of* service or apprenticeship with you. The contract may be expressed or implied, oral or written. A large part of the workforce is covered under this part of the definition, including workers who:

* work for salary or wages;
* work set hours of work;
* may be terminated/dismissed by the employer;
* work for only one employer; and/or
* are supervised and controlled.

**Extended definition**

This covers any person who works under a contract *for* service. Many people who work on a contract or sub-contract basis may be covered under this part of the definition, and it *may* cover workers who:

* are paid on piece rates, hourly rates or per job;
* work for the employer on a ‘one-off’ or per job basis;
* do not have set hours of work;
* work for more than one employer;
* work unsupervised; and/or
* pay 20 per cent prescribed payments (sub-contractor’s tax).

A worker may also include any person who is covered by an industrial award or agreement.

A contractor or sub-contractor may be defined as a ‘worker’ if they are engaged to do work by another person for the purpose of the other person’s trade or business, and they are paid in substance for their personal manual labour or services.

Examples of people who work under a contract for service and are likely to be considered a worker include:

* Contractors or sub-contractors who perform the actual activities of the employer’s trade or business (e.g. a bricklayer or plasterer contracted by a builder).
* Contractors or sub-contractors who perform activities for the efficient conduct of an employer’s trade or business (e.g. a fencing contractor contracted by a farmer).

*Extended definition - Working as a ‘team’:* Many sub-contractors work as teams and believe no cover is required. If one of the team members has the right to hire, fire and supervise the others, then there may be an employer/worker relationship. If that were the case, the team leader would be required to take out a workers’ compensation policy to cover the other members of the team.

**Working Directors**

Working directors are directors of a company that execute work ‎for or on behalf of that company and earnings are in substance for personal manual labour or services.‎

In accordance with Section 10A and Section 160 of the Act, where Working Directors require cover, the total remuneration to be paid, including payments contained in a salary sacrifice arrangement are to be declared to the insurer.

Any Working Director whose details are not included in this schedule is not considered a worker under the Act.

**Working Contractors and Sub-Contractors**

Under section 175 of the legislation, if a the Principal contracts with the Contractor to perform work which is for the principal’s normal trade or business, then both the principal and the contractor are jointly and severally liable to pay compensation for the contractor’s workers should an injury occurs on the principal’s premises or premises under the principal’s control or management.

If the contractor in turn sub-contracts the work, then all parties, the principal, the contractor and the sub-contractor, are liable to cover any workers the sub-contractor may employ.

It is in the interest of the principal to ensure the contractor/sub-contractor holds a current workers’ compensation policy. It is worth noting that both parties in this situation are liable to declare the wages of the contractor’s workers.

Under section 175AA of the legislation, an individual contractor may be deemed a worker if the contractor is required to incorporate (set up their own company) as a condition of getting a contract for work and the individual contractor primarily works for you on behalf of a company of which they are an employee or director.